

Coast Guard, DHS

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data for use in assessing the effectiveness of the proposed equivalent security measure.

(b) Requests for approval of equivalent security measures should be made to the appropriate plan approval authority under parts 104, 105 or 106 of this subchapter.

Subpart B—Maritime Security (MARSEC) Levels

§ 101.200 MARSEC Levels.

(a) MARSEC Levels advise the maritime community and the public of the level of risk to the maritime elements of the national transportation system. Ports, under direction of the local COTP, will respond to changes in the MARSEC Level by implementing the measures specified in the AMS Plan. Similarly, vessels and facilities required to have security plans under part 104, 105, or 106 of this subchapter shall implement the measures specified in their security plans for the applicable MARSEC Level.

(b) Unless otherwise directed, each port, vessel, and facility shall operate at MARSEC Level 1.

(c) The Commandant will set the MARSEC Level consistent with the equivalent Homeland Security Advisory System (HSAS) Threat Condition and that Threat Condition's scope of application. Notwithstanding the HSAS, the Commandant retains discretion to adjust the MARSEC Level when necessary to address any particular security concerns or circumstances related to the maritime elements of the national transportation system.

(d) The COTP may temporarily raise the MARSEC Level for the port, a specific marine operation within the port, or a specific industry within the port, when necessary to address an exigent circumstance immediately affecting the security of the maritime elements of the transportation system in his/her area of responsibility.

§ 101.205 Department of Homeland Security alignment.

The MARSEC Levels are aligned with the Department of Homeland Security's Homeland Security Advisory System (HSAS), established by Homeland Security Presidential Directive 3,

Table 101.205, titled "Relation between HSAS and MARSEC Levels" in this section, shows this alignment.

TABLE 101.205—RELATION BETWEEN HSAS AND MARSEC LEVELS

Homeland security advisory system (HSAS) threat condition	Equivalent maritime security (MARSEC) level
Low: Green Guarded: Blue. Elevated: Yellow.	MARSEC Level 1.
High: Orange	MARSEC Level 2.
Severe: Red	MARSEC Level 3.

[USCG-2003-14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003]

Subpart C—Communication (Port—Facility—Vessel)

§ 101.300 Preparedness communications.

(a) *Notification of MARSEC Level change.* The COTP will communicate any changes in the MARSEC Levels through a local Broadcast Notice to Mariners, an electronic means, if available, or as detailed in the AMS Plan.

(b) *Communication of threats.* When the COTP is made aware of a threat that may cause a transportation security incident, the COTP will, when appropriate, communicate to the port stakeholders, vessels, and facilities in his or her AOR the following details:

- (1) Geographic area potentially impacted by the probable threat;
- (2) Any appropriate information identifying potential targets;
- (3) Onset and expected duration of probable threat;
- (4) Type of probable threat; and
- (5) Required actions to minimize risk.

(c) *Attainment.* (1) Each owner or operator of a vessel or facility required to have a security plan under parts 104 or 105 of this subchapter affected by a change in the MARSEC Level must ensure confirmation to their local COTP the attainment of measures or actions described in their security plan and any other requirements imposed by the COTP that correspond with the MARSEC Level being imposed by the change.

(2) Each owner or operator of a facility required to have a security plan

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under part 106 of this subchapter affected by a change in the MARSEC Level must ensure confirmation to their cognizant District Commander the attainment of measures or actions described in their security plan and any other requirements imposed by the District Commander or COTP that correspond with the MARSEC Level being imposed by the change.

[USCG–2003–14792, 68 FR 39278, July 1, 2003, as amended at 68 FR 60472, Oct. 22, 2003]

§ 101.305 Reporting.

(a) *Notification of suspicious activities.* An owner or operator required to have a security plan under part 104, 105, or 106 of this subchapter shall, without delay, report activities that may result in a transportation security incident to the National Response Center at the following toll free telephone: 1–800–424–8802, direct telephone 202–267–2675, or TDD 202–267–4477. Any other person or entity is also encouraged to report activities that may result in a transportation security incident to the National Response Center.

(b) *Notification of breaches of security.* An owner or operator required to have a security plan under parts 104, 105, or 106 of this subchapter shall, without delay, report breaches of security to the National Response Center via one of the means listed in paragraph (a) of this section.

(c) *Notification of transportation security incident (TSI).* (1) Any owner or operator required to have a security plan under part 104 or 105 of this subchapter shall, without delay, report a TSI to their local COTP and immediately thereafter begin following the procedures set out in their security plan, which may include contacting the National Response Center via one of the means listed in paragraph (a) of this section.

(2) Any owner or operator required to have a security plan under part 106 of this subchapter shall, without delay, report a TSI to their cognizant District Commander and immediately thereafter begin following the procedures set out in their security plan, which may include contacting the National Response Center via one of the means listed in paragraph (a) of this section.

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(d) Callers to the National Response Center should be prepared to provide as much of the following information as possible:

(1) Their own name and contact information;

(2) The name and contact information of the suspicious or responsible party;

(3) The location of the incident, as specifically as possible; and

(4) The description of the incident or activity involved.

[USCG–2003–14792, 68 FR 39278, July 1, 2003, as amended by USCG–2004–18057, 69 FR 34925, June 23, 2004; USCG–2005–21531, 70 FR 36349, June 23, 2005; USCG–2006–25150, 71 FR 39208, July 12, 2006; USCG–2008–0179, 73 FR 35009, June 19, 2008]

§ 101.310 Additional communication devices.

(a) *Alert Systems.* Alert systems, such as the ship security alert system required in SOLAS Chapter XI–2, Regulation 6 (Incorporated by reference, see § 101.115), may be used to augment communication and may be one of the communication methods listed in a vessel or facility security plan under part 104, 105, or 106 of this subchapter.

(b) *Automated Identification Systems (AIS).* AIS may be used to augment communication, and may be one of the communication methods listed in a vessel security plan under part 104 of this subchapter. See 33 CFR part 164 for additional information on AIS device requirements.

Subpart D—Control Measures for Security

§ 101.400 Enforcement.

(a) The rules and regulations in this subchapter are enforced by the COTP under the supervision and general direction of the District Commander, Area Commander, and the Commandant. All authority and power vested in the COTP by the rules and regulations in this subchapter is also vested in, and may be exercised by, the District Commander, Area Commander, and the Commandant.

(b) The COTP, District Commander, Area Commander, or Commandant may assign the enforcement authority described in paragraph (a) of this section